



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 4887-99

19 January 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 N130D1/207-99 of 3 December 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
5420
N130D1 /207-99
3 Dec 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]

Encl: (1) BCNR File 04887-99 with microfiche service record

1. The following provides comment and recommendation on Seaman McKay's petition.

2. N130 recommends deny Seaman McKay's petition for an Enlistment Bonus (EB) of \$6,000 for the Nuclear Field (NF).

3. [REDACTED] entered the Delayed Entry Program (DEP) on 19 August 1997 and signed an EB contract in the amount of \$6,000 for the NF Program and shipping to active duty in November 1997. However, [REDACTED] shipped to active duty on 05 September 1997. In accordance with BUPERS message 071440Z JUL 97, (message in effect at the time Seaman McKay entered the DEP), a member entering the NF Program and shipping to active duty during September 1997, was eligible for EB at the award level of \$3,250. In his petition, Seaman McKay claims he did not approve the change to his EB award level listed in section 34 of DD FORM 1966/3 (Record of Military Processing) dated 05 September 1997 and requests favorable action that will allow payment of EB in the amount of \$6,000.


4. EB eligible ratings and award levels are announced by OPNAV (GENADMIN) messages. When a member enters the DEP and is offered EB, the message in effect on the day the contract is signed determines the amount of EB a member is eligible to receive. If a subsequent award level message becomes effective while a member is in DEP, the award level message in effect on the day the applicant enters DEP remain applicable for that applicant.

[REDACTED] EB award level, listed in his Enlistment Guarantees Contract, was contingent upon him shipping to active duty in November 1997. When Seaman McKay shipped to active duty on 05 September 1997, changes were required in his service record. The Navy classifier correctly listed \$3,250 EB award

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]
[REDACTED]

level on [REDACTED] D Form 1966/3 section 34, (Record of Military Processing), which he signed. Recommend that his service record be changed to reflect the correct EB award level entitlement of \$3,250 for enlisting in the NF program on 19 August 1997 and shipping to active duty service on 05 September 1997.

5. BCNR case file with microfiche service record is returned herewith as enclosure (1).


VICTOR D. MICKEL
Assistant, Enlisted Bonus
Programs Branch